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14 *Attorneys for Plaintiffs and the  
the Proposed Class*

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 IN RE SEAGATE TECHNOLOGY LLC  
LITIGATION

No. 3:16-cv-00523-JCS

19 DECLARATION OF SHANA E.  
20 SCARLETT IN SUPPORT OF  
21 PLAINTIFFS' SECOND  
SUPPLEMENTAL BRIEF IN FURTHER  
SUPPORT OF CLASS CERTIFICATION

22 DATE: June 15, 2018  
23 TIME: 9:30 a.m.  
DEPT: Hon. Joseph C. Spero  
Courtroom G, 15th Floor  
24

1 I, SHANA E. SCARLETT, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of  
3 California. I am a partner with the law firm of Hagens Berman Sobol Shapiro LLP, the attorneys  
4 for plaintiffs in the above-titled action. I have personal knowledge of the matters stated herein and,  
5 if called upon, I could and would competently testify thereto.

6 2. On April 24, 2018, Seagate produced 1,034 new documents to plaintiffs (“Seagate’s  
7 First New Production”). Seagate’s First New Production begins on page FED\_SEAG007862 and  
8 ends on page FED\_SEAG0090892 – more than 8,000 pages. Until April 24, 2018, plaintiffs did not  
9 have access to the documents contained in Seagate’s First New Production. As a result, this  
10 evidence could not be included in plaintiffs’ briefing for class certification.

11 3. After the Court’s May 1, 2018 Order Regarding Production of Spreadsheets (ECF  
12 No. 172), Seagate produced an additional 2,409 on May 4, 2018 (“Seagate’s Second New  
13 Production”). Seagate’s Second New Production begins on page FED\_SEAG0090896 and ends on  
14 page FED\_SEAG0093491– more than 2,500 pages. Until on May 4, 2018, plaintiffs did not have  
15 access to the documents contained in Seagate’s Second New Production. As a result, this evidence  
16 could not be included in plaintiffs’ briefing for class certification.

17 4. Seagate produced an additional 211 documents on May 8, 2018 (“Seagate’s Third  
18 New Production”). Seagate’s Third New Production begins on page FED\_SEAG0093523 and ends  
19 on page FED\_SEAG0096051– more than 2,500 pages. Until May 8, 2018, plaintiffs did not have  
20 access to the documents contained in Seagate’s Third New Production. As a result, this evidence  
21 could not be included in plaintiffs’ briefing for class certification.

22 5. Seagate then produced an additional 51 documents on May 20, 2018 (“Seagate’s  
23 Fourth New Production”). Seagate’s Fourth New Production begins on page FED\_SEAG0096052  
24 and ends on page FED\_SEAG0096694 – more than 500 pages. Until May 8, 2018, plaintiffs did  
25 not have access to the documents contained in Seagate’s Fourth New Production. As a result, this  
26 evidence could not be included in plaintiffs’ briefing for class certification.

6. In total, Seagate has produced 3,705 documents since April 24, 2018. These four productions contain more than 15,000 pages of evidence that plaintiffs should have had access to prior to filing for class certification. Because of Seagate's delay, plaintiffs were forced to review this new evidence on shortened time, plaintiffs' expert was precluded from analyzing these documents, and this evidence could not appear in plaintiffs' certification briefing.

7. Attached hereto are true and correct copies of the following exhibits:

Exhibit 72: Plaintiffs' summary chart of customer complaints pursuant to Federal Rule of Evidence 1006;

Exhibit 73: Excerpts from document Bates-numbered FED SEAG0072901-73137, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 74: Excerpt from document Bates-numbered FED SEAG0090966, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 75; Excerpt from document Bates-numbered FED SEAG0094984, produced in the above-captioned litigation by Defendant Seagate in this action;

Exhibit 76; Document Bates-numbered FED SEAG0072901-73137, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 77; Documents Bates-numbered FED SEAG0086631-674, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action; and

Exhibit 78; Seagate Desktop HDD Product Manual, *available at* <https://www.seagate.com/www-content/product-content/barracuda-fam/desktop-hdd/barracuda-7200-14/en-us/docs/1006865841.pdf>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 5th day of June, 2018 at Berkeley, California.

s/ Shana E. Scarlett  
SHANA E. SCARLETT